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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 48 OF 2022

Abhay Vikas Survase Applicant.
(Application through Jail)
V/s
The State of Maharashtra Respondent.

Ms. Sana R. Khan a/w Pratibha Pawar for the Applicant.
Mr. A.A. Palkar, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: SEPTEMBER 29, 2022

P.C.:-

1] Applicant is charge-sheeted in C.R No.234 of 2020 registered at Chikhali Police Station, District Pune for the offences punishable under Sections 302, 141, 143, 147, 148, 149 of IPC, under Section 4, 25 of the Arms Act and under Section 37(1) read with Section 135 of the Maharashtra Police Act.

2] Applicant is not named in the FIR. However, complainant who is a father of the deceased Aniket in supplementary statement recorded on 22/06/2020 stated that Applicant was present on the spot of the incident. Neither the said statement nor FIR attribute any specific role of actively participating in the offence in question. Even if the statement of Onkar is looked into, same only speaks of presence

of the Applicant on the spot of the incident. The said statement is also recorded at belated stage i.e. almost after 20 days of the incident in question. As such, there is strong suspicion about involvement of the Applicant in the offence in question. That being so case for bail is made out.

3] Applicant is directed to be released on bail in C.R No.234 of 2020 registered at Chikhali Police Station, District Pune for the offences punishable under Sections 302, 141, 143, 147, 148, 149 of IPC, under Section 4, 25 of the Arms Act and under Sections 37(1) read with Section 135 of the Maharashtra Police Act, on execution of P.R. Bond of Rs 25,000/- with one or more sureties in the like Amount. Applicant shall neither influence the witnesses nor tamper with the evidence. Applicant shall remain outside the Pune District excluding the date(s) of trial.

4] Application is accordingly disposed of.

(NITIN W. SAMBRE, J.)